

Submitted February 22, 2012  
Approved as of  
Date February 22, 2012

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION  
MEETING NO. 21-2011  
Wednesday, October 26, 2011**

The City of Rockville Planning Commission convened in regular session in the Mayor and Council Chambers at 7:00 p.m., Wednesday, October 26, 2011.

**PRESENT**

John Tyner, Chair  
Jerry Callistein  
Don Hadley  
David Hill  
Kate Ostell  
Dion Trahan  
Kathleen Cook

**Absent:** None

**Present:** Susan Swift, Director, CPDS  
Andrew Gunning, Assistant Director, CPDS  
Marcy Waxman, Assistant City Attorney  
Jim Wasilak, Chief of Planning  
David Levy, Chief of Long Range Planning  
Jeremy Hurlbutt, Planner III  
Cindy Kebba, Planner III  
Clark Larson, GIS Specialist  
Mayra Bayonet, Planner III  
Deane Mellander, Zoning Administrator  
Peter Campanides, Civil Engineer II  
Rebecca Torma, Transportation Planner

**PRESENTATION**

**Adequate Public Facilities Ordinance and Standards (APFO) – for an update on the report of the Adequate Public Facilities Ordinance Review Committee. Briefing from Julie Palakovich Carr.**

Julie Palakovich delivered an update on the adopted final set of recommendations for modifications to the AFPO & APFS and presented the following recommendations regarding schools: 1) to create a standing commission to advise Mayor and Council on K-12 education and enrollment of students. Membership of this committee should have expertise in education, statistics and/or demographics, (recommendation was adopted unanimously by the committee); 2) to provide greater transparency of the process in open government by posting projections approved or under consideration on the City's website, and the City should post and maintain the MCPS projections and actual enrollment from 2005 forward for each school servicing Rockville students (recommendation was adopted unanimously); 3) encourage Montgomery County to provide up-to-date student generation rates in all housing types, emphasizing mid/high-rise multi-family buildings supplemented by demographic/GIS data, (recommendation was adopted 8-1); 4) Mayor and Council should meet with the Board of Education for the need of a new elementary school in the Richard Montgomery cluster (recommendation was adopted unanimously); 5) the time frame for schools tests should be kept as currently cited in APFS for 1-2 years (recommendation was adopted 5-3-1), 6) the City should explore a concept to impose a school facilities payment on new development projects that would cause any schools serving Rockville residents to become over capacity (recommendation was adopted 7-1). A final report of findings by APFO/APFS will be presented on November 30<sup>th</sup>.

## COMMISSION ACTION

**Site Plan STP2011-00091, Silverwood/Shady Grove, LLC – For approval of a Level 2 site plan for a 417-unit multifamily residential building with structured parking, in the Mixed-Use Transit District (MXTD) Zone at 15955 Frederick Road.**

Jeremy Hurlbutt, Planner III, introduced the item.

Jim Wasilak provided a summary by stating there was a fundamental issue as to whether to consider the application. The property was approved to be annexed by Mayor and Council on October 10, 2011. By definition of the state code, there is a 45 day period after which the annexation and associated zoning will take effect. The property's zoning was adopted as MX-TD on October 14, 2011. He indicated to the Commission that they can take action on the application if they choose and the Commission can act on the development application outside of the annexation process. He provided suggested language the commission may consider. November 25, 2011 is the effective date of the annexation and the state code requires a 45 day "wait period" from the effective date to approved date.

Jeremy Hurlbutt proceeded to give a description of the building site. The existing site is a 35,000 square foot auto dealer, known as Reed Brother's Dodge. The proposed site plan will include one six-story residential building facing Frederick Road, one five-story residential building in the rear, and a raised six level parking lot facing Frederick Road, with a total of 417 units and 517 parking spaces. Fifty feet of the front of the property along the Metro access road will be reserved for CCT.

Commission and Staff discussed what would happen during the 45 day “waiting period.” The Commission questioned staff on noise studies and ordinances in force, an MCPS letter dated August 29<sup>th</sup> regarding a school facility payment, and questions concerning the flow of traffic at the entrance on 355.

**The following speakers provided testimony to the Commission:**

Pat Harris, with Lerch Early and Brewer spoke on behalf of the applicant and addressed several issues brought up during the earlier discussion between the Commission and Staff. She gave an overview of the benefits of the project and then summarized five criteria of meeting the site plan requirements.

Mark Silverwood, President of Silverwood Investments, addressed the Commission’s concerns about the proposed property’s close proximity to the transfer station, stating there is no threat now or in the future. His desire is to address the lack of housing to young professionals, renters by choice, as well as the moderate income wage earners.

Steve Moriak, architect for Mission Design, went into detail about the property’s amenities to include the green areas and outdoor facilities on the property.

Commission and staff went into a discussion about the noise and odor impact from the transfer station, storm water management, overflow traffic into nearby neighborhoods, and buffering, as well as the traffic flow and safety at the intersection.

The following speakers addressed the Commission:

1. Cathy Scott, a King Farm resident, expressed her concerns about pedestrian safety and is against the Silverwood site plan.
2. Pamela Lindstrum, Chair of the Shady Grove Citizens Advisory Committee, is in support the of the Silverwood site plan.
3. Stewart Schwartz, Executive Director of the Coalition for Smarter Growth, is in support of the Silverwood site plan, but expressed his concern about safer pedestrian walkways.
4. Daniel Lyons, a resident of King Farm, says that he is in favor of the Silverwood site plan, but has concerns about residents walking to the Metro from King Farm.

The Commission asked several questions to Silverwood regarding the noise and smell impact from the transfer station as well as the traffic flow and safety (foot traffic and automobiles).

Chair Tyner closed the record for this item.

**WORK SESSION - Eleventh work session on the Draft Rockville Pike Plan:** Rockville Pike District Form Code continued from October 12<sup>th</sup>.

Cindy Kebba continued the group discussion regarding mid-rise, building heights, walkability & greenspace, lower building heights in residential areas near the metro, higher heights in the commercial areas.

Both Commission and Staff agree to continue their discussion of building heights at the next meeting.

**COMMISSION ACTION – CONTINUED (Site Plan STP2011-00091, Silverwood/Shady Grove, LLC)**

Commission carried on their discussion of the Silverwood site plan. Ms. Waxman introduced draft language that could be accepted as part of the Commission's approval which mimics the APFS and Mayor and Council's language.

They also discussed additional conditions, including expanding what was in the staff report on schools, modifying the garage to delete 40 spaces, notice to tenants, no drop-down gate proposal, providing adequate ceiling height for retail frontage and approval that is conditional on the annexation becoming effective.

Commissioner Callistein moved, seconded by Commissioner Ostell, to approve the site plan STP2011-00091 for Silverwood including the updates to conditions and inserts made during this meeting, updates to the findings indicated in the staff report dated October 19, 2011, and the additional information about the APFS to be incorporated into the findings and the changes to conditions recorded this evening.

The motion passed 4-1-2. (Commissioner Cook voted no and Commissioners Hill and Hadley abstained).

**COMMISSION ITEMS**

- A. Staff Liaison Report
- B. Old Business
- C. New Business
- D. Minutes
- E. FYI Correspondence

**ADJOURN**

The Chair adjourned the meeting at 12:20 a.m.

Respectfully Submitted,

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Sandra Y. Driver, Commission Secretary